

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff-Respondent, §
§
v. § Cr. No. C-05-643 (2)
§ C.A. No. C-08-77
MIGUEL RUIZ, JR., §
§
Defendant-Movant. §

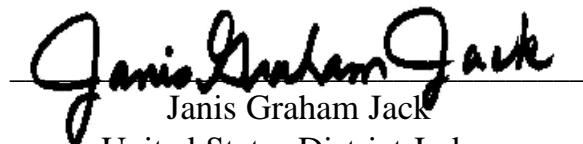
**ORDER GRANTING LETTER MOTION
FOR EXTENSION AND FOR COPY OF GOVERNMENT RESPONSE**

Pending before the Court is Defendant Miguel Ruiz, Jr.’s (“Ruiz”) motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. (D.E. 116, 117.) The Court ordered the government to respond, and, after seeking and receiving a motion for extension of time, the government filed its combined response and motion to dismiss on May 27, 2008. (D.E. 119, 122-123, 125-126.) The response indicates that it was served on Ruiz via mail on the same date. (D.E. 125 at 10.) On July 31, 2008, the Clerk received from Ruiz a letter motion in which he states that he has not received a copy of the government’s response and in which he asks for a copy of it. He also requests that he be permitted an extension of time to reply. Specifically, he asks to be allowed to file his reply not later than 30 days after service of the response upon him. (D.E. 128.)

As noted, the government’s response indicates that it was served on Ruiz. In at least one document sent by the Clerk, however, there was a significant delay in service of the document upon Ruiz. (See minute entry dated May 27, 2008, indicating service of a court order on Ruiz by mail, and D.E. 127 (receipt card indicating receipt of the order on July 1, 2008).)

Because of this, and because the Court finds no prejudice to the government will occur, the Court GRANTS Ruiz's motion for extension of time to file his reply, and also grants his request for a copy of the government's response to his § 2255 motion. (D.E. 128.) The Clerk is therefore directed to provide a copy of docket entries 125 and 126 to Ruiz, return receipt requested. Ruiz shall file his reply not later than 30 days after service upon him of the response.

It is so ORDERED this 8th day of August, 2008.


Janis Graham Jack
United States District Judge